

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Police – Sanction of Prosecution against HC-559 Balraj, Keshampet Police Station of Mahaboobnagar District in Cr.No.57/2004 under section 329, 384, 504 Indian Penal Code, 1860, section 3(2) of Scheduled Caste /Scheduled Tribes (Prevention of Atrocities) Act 1989 and sections 7&11 of Prevention of Corruption Act of Keshampet Police Station – Order – Issued.

HOME (LEGAL-II.A2) DEPARTMENT

G.O.Ms.No. 80

Dated: 02.04.2011.

Read:

Letter from DGP, AP, Hyd. Rc.No.1383/Compts-1/2008, dt: 13.3.2009.

ORDER

Whereas, the accused Sri S.Sai Srinivas, Sub-Inspector of Police has requested for withdrawal of prosecution against the proposal of the Director General of Police for sanction of prosecution against him in Cr.No.57/2004 under sections 329, 384 and 504 of the Indian Penal Code, 1860 sub-section (2) of section 3 of the Scheduled Casts and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and sections 7 and 11 of the prevention of corruption Act, 1988, of Keshampet Police Station;

2. And whereas, the Director General of Police, Andhra Pradesh, Hyderabad, when requested for specific remarks / report on the request of Sri S.Sai Srinivas, Sub-Inspector of Police, SB City Hyderabad for withdrawal Prosecution against him, has submitted his report with detailed reports of Superintendent of Police, Mahaboobnagar and Additional Public Prosecutor and requested for Sanction of Prosecution against the 4 (four) accused Women Sub-Inspector of Police, Ramadevi along with the Sub-Inspector of Police, Mr.Sai Srinivas, Head Constable -559 Balraj and Police Constable – 979 Bhadrinath. The Superintendent of Police, Mahaboobnagar in his letter dt: 25.9.2008 has stated that facts of the case are that one Malli Ramaiah s/o Malli Jangaiah, age 48 Years, Caste-SC (Madiga) Occ: Agriculture r/o Kothapet village, Keshampet Mandal has lodged a complaint at Keshampet PS on 10.01.2004 stating that one Undala Jangaiah S/o Maisaiah, 38 Yrs, Caste: Harijan r/o Thimmapur of Kanukur Mandal, RR District has abducted his wife Yamma and requested to take legal action, Basing on the complaint HC 559 Bal Raj SHO of Keshampet Police Station registered a case in Cr.No. 04/2008 under sections 363, 343 of the Indian Penal Code, 1860 and investigated into. The accused Undala Jangaiah was arrested on 12.4.2004 and sent for judicial remand. Subsequently charge sheet was filed on 27.10.2005 and the case was ended in acquittal on 6.10.2006. But the complainant not satisfied with the action of the Police and went to the Mandal Revenue Officer's Office Keshampet on 30.6.2004 and attempted to commit suicide by consuming some poisonous substance and also alleged that the Sub-Inspector of Police Keshampet did not restore his wife back to him. He was shifted to Government Hospital, Shadnagar and later he was admitted in Osmania General Hospital, Hyderabad where he has survived;

3. And whereas, initially the then Circle Inspector Shadnagar who investigated this case, filed a requisition before Hon'ble Judicial First Class Magistrate, Jadcherla for recording the Statements of complainant Malli Ramaiah under section 164 of the Code of Criminal Procedure 1973, as there are contradictory versions of the witnesses and complainant to the incident. The Hon'ble court recorded the section 164 of the Code of Criminal Procedure 1973 statement of complainant, in which he complained against the accused Police Personnel i.e. Sub-Inspector of Police, Sai Srinivas, Head Constable, Balraj, Police Constable, Badri Naik and Women Sub-Inspector of Police, Rama Devi formerly worked at Keshampet Police Station. On the strength of section 164 of the Code of Criminal Procedure 1973 Statement of the complainant, the former Circle Inspector added the section of law under section 23(1) (x) of the Scheduled Caste /Scheduled Tribes (Prevention of

P.T.O

Atrocities) Act 1989 to sections 329,384,504 of the Indian Penal Code 1860, to this crime. Subsequently investigation entrusted to the then SDPO Mahaboobnagar for further investigation. As per his investigation (CD dated: 27.8.2005) it is obvious that the corruption allegations against SI Sai Srinivas, HC-559 Baljar and PC-979 Badri Maik (f) of Keshampet PS are established and the allegations regarding abusing the complainant in the name of his caste by WSI Rama Devi are found to be fabricated and an after thought;

4. And whereas, the Superintendent of Police, Mahaboobnagar in his letter dated: 24.2.2009, has enclosed the legal opinion of Additional Public Prosecutor i.e. Special Public Prosecutor Scheduled Caste /Scheduled Tribes (Prevention of Atrocities) Act Cases, Mahaboobnagar and MD.Masood Ali Faruqui, Advocate, Mahaboobnagar, wherein he has stated that the Special Public Prosecutor for Scheduled Caste /Scheduled Tribes Court, Mahaboobnagar, has stated that he has perused the entire C.D file in Crime No. 57/2004 of P.S Keshampet which was registered for the offences under sections 329, 384 and 504 of the Indian Penal Code, 1860 and section (3) (i) (x) of the Scheduled Caste /Scheduled Tribes (Prevention of Atrocities) Act, 1989 and observed that as per the contents of section. 164 Code of Criminal Procedure 1973, of Defacto Complainant the allegations against the accused Nos.1 to 4 are established i.e. against (A1) S.Sai Sreenivas, SI of Police, (A2) B.Balraj, HC.No.559, (A3) K.Badrinath P.C.No.979 and (A4) Smt Rama Devi, WSI;

5. And whereas, the Government of Andhra Pradesh being the competent authority to remove Sri B.Balraj Head Constable – 559 Keshampet Police Stations from service after fully and carefully examining the material placed before them in respect of the aforesaid acts and having regard to the circumstances of the case consider that the said individual should be prosecuted in the court of law.

6. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of section 197 of the Code of Criminal Procedure, 1973 (Central Act 2, 1974) the Government of Andhra Pradesh hereby accord sanction for prosecution of Sri B.Balraj, HC-559, Keshampet Police Station of Mahaboobnagar District, Andhra Pradesh, for the offences punishable under sections 329, 384, 504 of the Indian Penal Code, 1860 section 3(2) of the Scheduled Caste /Scheduled Tribes (Prevention of Atrocities) Act, 1989 and sections 7&11 of the Prevention of Corruption Act 1988 in Cr.No. 57/2004 of Keshampet Police Station of Mahaboobnagar District and for any other offences punishable under the provisions of any other law for the time being in force in respect of the acts or purporting to act in discharge of his official duties and for taking cognizance of offence by the Court of competent jurisdiction.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

P. GAUTAM KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Police, Andhra Pradesh, Hyderabad.
The Additional Director General of Police, CID A.P., Hyderabad.

Copy to:

The Law (E) Department, Hyderabad.
The P.S to Prl.Secy, Home Department.
C.No. 6035/Legal.II/A1/2008
SF/SCs

// FORWARDED :: BY ORDER //

SECTION OFFICER